

JESSE E. CLARY, one of the Defendants, being first duly sworn, deposes and says:

By Judge Urner:

Q Will you state your name, age and residence?

A Jesse E. Clary; my age is 72; residence, Union Bridge.

Q Until recently you resided on the Urmont farm?

A Yes, sir.

Q In Frederick County. For how many years, Mr. Clary?

A About 45 - not quite 50 years - 45 years anyhow.

Q 45? A. Yes. We were in Union Bridge several times.

Q Under the will of Jonas Urner a one-fourth interest in the farm known as Urmont in Frederick County, of which he died seized, was devised to the testator's daughter, Susan Elizabeth Englar, absolutely, and a three-fourths undivided interest was devised to your wife, Laura N. Clary, daughter of the testator, for life, and there was a provision in the will that you or your wife should have the right to purchase the undivided one-fourth interest of Susan Elizabeth Englar at a certain valuation. Did you or your wife exercise that right to buy that one-fourth interest? A. Yes.

Q Is that a copy of the deed by which you acquired the one-fourth interest of Susan Elizabeth Englar - the undivided one-fourth interest in the farm and a 10-acre wood lot in Woodville District? (Handing paper to witness)

A Yes, sir, that looks all right.

Q Of course that is just a copy of the original deed.

A Yes.

Q It appears from the Land Records in the Office of the Clerk of the Circuit Court for Frederick County that on February 25, 1896 you and your wife, Laura N. Clary, executed a mortgage to Jesse R. Lambert in paying for that undivided interest in the Urmont farm and wood lot mentioned in the Bill of Complaint, to secure a loan